

Application Serial No. 10/774,356

**REMARKS**

1. Applicant thanks the Examiner for his findings and conclusions.

2. It should be appreciated that Applicant has elected to amend Claims 1, 13-15, and 25 solely for the purpose of expediting the patent process in a manner consistent with the PTO's Patent Business Goals, 65 Fed. Reg. 54603 (9/8/00). In making such amendments, Applicant has not and does not in any way narrow the scope of protection to which the Applicant considers the invention herein entitled. Rather, Applicant reserves Applicant's right to pursue such protection at a later point in time and merely seeks to pursue protection for the subject matter presented in this submission.

**Hilton Davis / Festo Statement**

The amendments herein to Claims 1, 13-15, and 25 were not made for any reason related to patentability. Claims 14 and 15 were amended to conform with standard claim drafting practices. Claims 1, 13, and 25 were amended to clarify the invention. All of the above listed amendments were made for reasons other than patentability.

3. The Applicant amends Claim 25 to correct erroneous punctuation according to standard claim drafting practices.

4. Claims 1-9, 12-21, 24-33, and 36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent no. 6,539,435 (hereinafter "Bolmarcich") in view of Stevens Unix Network Programming, 1990, (hereinafter "Stevens"), and in further view of U.S. patent no. 5,862,328 (hereinafter "Colyer").

**Claim 1**

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As to Claim 1, the Applicant respectfully disagrees for at least several independent reasons.

First, Claim 1 requires that the "inter-process communication between ... two application processes is restricted to communications between applications running on a single computer". Regarding the cited requirement, the Examiner cites only Bolmarcich at two sections, (1) column 2, lines 31-34 and (2) column 2, lines 15-19, each of which are addressed here. First, the Examiner's statement, emphasis added, that:

Bolmarcich discloses a method of inter-process communication between at least two application processes on one computer

is deemed to be inaccurate. The first cited section of Bolmarcich at column 2, lines 31-34 reads, emphasis added:

the invention is a family of protocols that constitute a method for establishing a connection or communication session between two programs, each having one or more tasks running on a plurality of processors.

Thus, in the first instance, Bolmarcich teaches away from the requirement of an inter-process communication between applications on a single computer by teaching tasks running on a plurality of processors. In the second instance of column 2, lines 15-19,

Bolmarcich reads, emphasis added:

This invention provides a method for establishing a communication connection between two parallel programs, each running on multiple processors on a distributed memory parallel computer, such as an IBM SP2, or on multiple computers in a cluster of workstations or a set of network connected workstations.

Thus, in the second instance, Bolmarcich teaches away from the requirement of an inter-process communication between applications on a single computer by teaching parallel programs running on multiple processors on a parallel computer. Hence, in both instances Bolmarcich teaches away from the requirement of an inter-process communication between applications on a single computer by teaching tasks running on

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a plurality of processors. Indeed, Dictionary.com defines a computer as "also called a processor" within the definition of:

**Computer:** Also called processor, an electronic device designed to accept data, perform prescribed mathematical and logical operations at high speed, and display the results of these operations.

Thus, the claim of inter-process communication between two application processes running on a single computer lies in stark contrast to the plurality of processors teachings of Bolmarcich. Accordingly, the current rejection of Claim 1 and all claims dependent therefrom under 35 U.S.C. § 103(a) as being unpatentable over Bolmarcich in view of Stevens and in further view of Colyer is deemed to be improper.

The Applicant amends Claim 1 to clarify the invention. At time of filing, common usage of the term computer was to a computer with a single processor. Recently, large computer CPU manufacturers have introduced into common usage computers having two or more processors. The Applicant deems that at the time of the invention, those skilled in the art referred to a single processor computer as a computer and referred to a dual processor computer as a dual processor computer or parallel computer. Stated differently, dual processor computers at the time of filing of the application were specifically annotated as being dual processors or parallel computers while a single processor computer was simply referred to as a computer. Hence, to clarify the invention, the Applicant amends Claim 1 to limit the inter-process communication between two application processes to a single processor on a single computer. Nothing in the application as filed suggests that the invention refers to the, at the time, obscure usage of a dual processor computer. Accordingly, the current rejection of Claim 1 and all claims dependent therefrom under 35 U.S.C. § 103(a) as being unpatentable over Bolmarcich in view of Stevens and in further view of Colyer is deemed to be overcome.

Second, Claim 1 specifically requires that the inter-process communication between two application processes is under control of a single instance of an operating system. The Examiner cites Colyer at column 7, lines 13-15 as teaching this limitation. The

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Applicant admits that Colyer teaches a single operating system, but fails to understand how the teaching of a single operating system is tied to the specific requirements of Claim 1. The Examiner apparently relates the teachings of an IBM PS2 to Claim 1 through the teaching of the cited teaching of Bolmarcich, column 2, lines 15-19, of a distributed memory parallel computer, such as an IBM SP2. Respectfully, PS2 architecture is starkly different than an SP2. Specifically, an IBM SP2 is a POWER2 Super Chip (P2SC) processor with a superscalar pipelined RS/6000 architecture having an RS/6000 processor that is definitively distinct from and IBM PS2. Hence, the apparent link of Colyer with a single processor is not taught as linking to the RS/6000 architecture of Bolmarcich. If the Examiner maintains this rejection, the Examiner is asked to specifically explain his logic of combining a PS2 chip with an SP2 RS/6000 processor. As, without more, the teachings of Colyer are not combinable with that of Bolmarcich, the current rejection of Claim 1 and all claims dependent therefrom under 35 U.S.C. § 103(a) as being unpatentable over Bolmarcich in view of Stevens and in further view of Colyer is deemed to be improper for a second reason.

### Claim 13

The Applicant amends Claim 13 in three parts to clarify the invention.

First, in the same manner as described, *supra*, relating to Claim 1, the Applicant amends Claim 13 to limit the inter-process communication between two application processes to a single processor on a single computer. Accordingly, the current rejection of Claim 13 and all claims dependent therefrom under 35 U.S.C. § 103(a) as being unpatentable over Bolmarcich in view of Stevens and in further view of Colyer is deemed to be overcome.

Second, the Applicant further amends Claim 13 (1) to clarify the first process initiates communication with the second process; (2) to add a step of communicating a task of the first application to the second application; (3) to add a step of after commanding the

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second application to perform that task, that the first application is closed; and (4) to clarify that the method combines multiple instances of an application program into one running instance of the application program. Support for the amendment is found in the application as filed at least at page 7, lines 12-29 and at page 5, lines 9-16. The combination of cited art fails to teach each of the above four described added requirements of Claim 13. Accordingly, the current rejection of Claim 13 and all claims dependent therefrom under 35 U.S.C. § 103(a) as being unpatentable over Bolmarcich in view of Stevens and in further view of Colyer is deemed to be overcome.

Third, the Applicant removes from Claim 13 the limitation of a module for the first process starting a third process of the second application if the first process fails to establish a connection with the second process and places this limitation into new Claim 49, described *infra*.

#### Claim 25

The Applicant amends Claim 25 in two parts to clarify the invention.

First, in the same manner as described, *supra*, relating to Claim 1, the Applicant amends Claim 25 to limit the inter-process communication between two application processes to a single processor on a single computer. Accordingly, for a first reason, the current rejection of Claim 25 and all claims dependent therefrom under 35 U.S.C. § 103(a) as being unpatentable over Bolmarcich in view of Stevens and in further view of Colyer is deemed to be overcome.

Second, the Applicant further amends Claim 25 to clarify that the step of communicating communicates a task of the second application to the first application, where the task includes transmitting a set of keys and values between the second application and the first application using a string and a channel. Support for the amendment is found in the application as filed at least at page 9, lines 1-5 and at page 13, lines 5-8. The

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combination of Bolmarcich, Steven, and Colyer does not teach any of the step of communicating a task, communicating a task with a set of keys and values, and use of a string and a channel in the communication of the task. Accordingly, for a second reason, the current rejection of Claim 25 and all claims dependent therefrom under 35 U.S.C. § 103(a) as being unpatentable over Bolmarcich in view of Stevens and in further view of Colyer is deemed to be overcome.

5. The Applicants amends according to standard claim drafting practices dependencies of Claims 14 and 15 to depend from new Claim 49, described *infra*.

6. Claims 10, 11, 22, 23, 34, and 35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bolmarcich in view of Stevens in further view of Colyer, and in still further view of U.S. patent no. 7,010,796 (hereinafter "Strom").

15 In view of the above described amendments to parent Claims 1, 13, and 25, the current rejection of dependent Claims 10, 11, 22, 23, 34, and 35 under 35 U.S.C. § 103(a) as being unpatentable over Bolmarcich in view of Stevens in further view of Colyer, and in still further view of Strom is rendered moot.

20 7. New Claims 37-48 are added to the application. Support for new Claim 37 is found in the application as filed at least at page 6, lines 25-29 and page 6, lines 14-17. Support for new Claim 38 is found in the application as filed at least at page 7, lines 12-29; at page 5, lines 9-16; and within original Claim 1. Support for new Claim 39 is found in the application as filed at least at page 7, lines 12-13. Support for new Claims 40 and 25 41 is found in the application as filed at least at page 6, lines 14-17. Support for new Claim 42 is found in the application as filed at least at page 6, lines 25-29. Support for new Claim 43 is found in the application as filed at least at page 13, line 31. Support for new Claims 44 and 45 is found in the application as filed at least at page 9, lines 1-5. Support for new Claims 46 and 47 is found in the application as filed at least at page 13,

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lines 5-8. Support for new Claim 48 is found in the application as filed at least at page 5, lines 26-29. Support for new Claim 49 is found in the application as filed at least within original Claim 13. Applicant certifies that no new matter was added by way of the new claims.

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**CONCLUSION**

In view of the above, the Application is deemed to be in allowable condition. The Examiner is therefore earnestly requested to withdraw all outstanding rejections, allowing the Application to pass to issue as a United States Patent. Should the Examiner have any questions regarding the application, he is respectfully urged to contact Applicant's attorney at (650) 474-8400.

Respectfully submitted,



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